2007 DRAFTING REQUEST

Bill

Received: **10/20/2006**	Received By: **jkuesel**
Wanted: **As time permits**	Identical to LRB:
For: **Mark Gottlieb (608) 267-2369**	By/Representing: **Darcy Paulson**
This file may be shown to any legislator: **NO**	Drafter: **jkuesel**
May Contact:	Addl. Drafters:
Subject: **Elections - miscellaneous**	Extra Copies: **MES - 1**

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Villages may opt to elect officers without a primary

Instructions:

Per 2005 LRB-4868/1.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	jkuesel 11/09/2006	kfollett 11/09/2006		_____ _____			
/1			nnatzke 11/10/2006	_____ _____	sbasford 11/10/2006		
/2	jkuesel 02/05/2007	kfollett 02/07/2007	jfrantze 02/07/2007	_____ _____	cduerst 02/07/2007	cduerst 02/16/2007	

FE Sent For:

NO

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/? 1	jkuesel 11/9/06	/ 11/9 f 11/10	mmn 11/9	nmn/rs 11/10			

FE Sent For:

<END>

2005 BILL

1   AN ACT *to amend* 8.05 (4) (a); and *to create* 8.11 (1m) of the statutes; **relating**

2   **to:** the method of election of village officers.

Analysis by the Legislative Reference Bureau

Currently, candidates for village offices at the spring election are nominated by caucus unless the majority of a governing body of a village provides, no later than December 1 preceding a spring election, for the nomination of candidates at the spring primary. In such case, nomination papers are used to nominate candidates. In addition, electors of a village may require a primary for any specific election by filing a timely petition signed by electors equaling at least ten percent of the vote for governor in the village at the last election.

This bill permits the majority of a governing body of a village to provide for the nomination of candidates for village offices by nomination papers without a primary. Under the bill, nomination of candidates for village offices continues to be by caucus unless a majority of the governing body of a village makes a timely affirmative decision to nominate candidates without a caucus or primary or unless a timely petition is filed requesting a primary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3   SECTION 1. 8.05 (4) (a) of the statutes is amended to read:

1   8.05 **(4)** (a) A majority of the governing body of any village may provide under

2   s. 8.11 ~~(1)~~ (1m) (a) and (b) that candidates for elective village office shall be nominated

3   by a nonpartisan primary, under sub. (5). Determination of the governing body to

4   provide for such primary under s. 8.11 (1) (a) <u>or to nominate candidates by</u>

5   <u>nomination papers without a caucus or primary</u> shall be made not later than

6   December 1 preceding the election. <u>If a primary is not scheduled under this</u>

7   <u>paragraph, a village shall nominate candidates by caucus unless a majority of the</u>

8   <u>governing body of the village provides for the nomination of candidates by</u>

9   <u>nomination papers without a caucus or primary or unless a timely petition is filed</u>

10   <u>under s. 8.11 (1m) (c) requiring a primary for a specific office.</u>

11   SECTION 2. 8.11 (1m) of the statutes is created to read:

12   8.11 **(1m)** VILLAGE. (a) A primary may be held in any village for the nomination

13   of candidates for village office. When a majority of all the members of the governing

14   body of a village decide upon a spring primary for any specific election, they shall so

15   provide not later than December 1 preceding the election.

16   (b) Any village may provide by charter ordinance, under s. 66.0101, that

17   whenever 3 or more candidates file nomination papers for a village office, a primary

18   to nominate candidates for the office shall be held.

19   (c) Whenever the electors of a village, equal to at least 10 percent of the vote

20   for governor in a village at the last general election, file a petition conforming to the

21   requirements of s. 8.40 with the village clerk requesting a primary no later than

22   December 1 preceding the spring election, there shall be a primary for any specific

23   election.

1   (d) When the number of candidates for any village office does not exceed twice

2   the number to be elected to the office, no primary may be held for the office and the

3   candidates' names shall appear on the ballot for the ensuing election.

4   **SECTION 3. Initial applicability.**

5   (1) This act first applies with respect to nomination of candidates for village

6   offices at the 2007 2009 spring election.

7   **(END)**

May 17, 2006

Representative Gottlieb:

Currently, under s. 8.11 (1), stats., a city may schedule a primary for city offices as late as 3 days after the deadline for filing nomination papers. Under s. 8.05 (4) (a), stats., villages must make this decision by December 1 preceding the date of the spring election. This draft retains the December 1 date for villages because in the case of a village, a caucus is still an option and, if nomination by caucus is selected, there must be time allowed to notice and hold the caucus. Please let me know if this is not in accord with your intent.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266–6778

Kuesel, Jeffery

Jeff,

After reviewing the draft (and comments from our village clerk who requested the bill), we'd like a re-draft, please. Here's what we want to accomplish:

We don't want to change the village's option to nominate candidates with a caucus. However, a village would have to decide by December 1st whether to nominate candidates for elective office by caucus or by nomination papers. If the village nominates candidates with nomination papers, the village would have until three days after the deadline for filing nomination papers to decide whether to hold a primary election (same as cities).

I am attaching language that our village clerk suggested to accomplish this purpose. Please let me know what you think.

Primary
quirements (Dylak r

BTW, Rob Richard has joined our office, and will be handling Mark's bills this session. Please copy him as well. Thanks, Jeff.
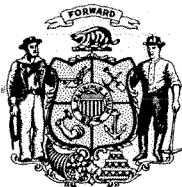
Denise Solie
Rep. Mark Gottlieb
608.267.2370

8.05(4)(a) A majority of the governing body of any village may provide under s.8.11 ~~(1)~~ (1m) (a) (b) that candidates for elective office shall be nominated by a nonpartisan primary, under sub. (5). In villages where the nomination of candidates is determined by the use of nomination papers, the governing body shall decide upon a spring primary for any specific election, not later than 3 days after the deadline for filing nomination papers. In villages where the nomination of candidates is determined by caucus, the governing body shall decide upon a spring primary not later than December 1, preceding the election. A primary must be held if a timely petition is filed under s8.11(1m)(c) requiring a primary for specific office.

Section 8.11(1m) of the statutes is created to read:
8.11(1m) VILLAGE. <u>(a) A primary may be held in any village for the nomination of candidates for village office. When a majority of all the members of the governing body of a village decide upon a spring primary for any specific election, they shall so decide based upon the timelines outlines in s8.05(4)(a)</u>

      (b) language remains the same
      (c) language remains the same

WANted by TKIV 2/8

2007   BILL

(Regen)

1   AN ACT *to amend* 8.05 (4) (a); and *to create* 8.11 (1m) of the statutes; **relating**

2   **to:** the method of election of village officers.

for a specific election

a primary shall be held for the nomination of candidates for village offices.

Analysis by the Legislative Reference Bureau

Currently, candidates for village offices at the spring election are nominated by caucus unless the majority of a governing body of a village provides, no later than December 1 preceding a spring election, for the nomination of candidates at the spring primary. In such case, nomination papers are used to nominate candidates. In addition, electors of a village may require a primary for any specific election by filing a timely petition signed by electors equaling at least 10 percent of the vote for governor in the village at the last election.

This bill permits the majority of a governing body of a village to provide for the nomination of candidates for village offices by nomination papers without a primary. Under the bill, nomination of candidates for village offices continues to be by caucus unless a majority of the governing body of a village makes a timely affirmative decision to nominate candidates without a caucus or primary or unless a timely petition is filed requesting a primary.

a primary is required by charter ordinance or

by nomination papers

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

whenever

3   SECTION 1. 8.05 (4) (a) of the statutes is amended to read:

The bill also provides that if the governing body of a village provides by charter ordinance that if three or more candidates file nomination papers for a village office, or whenever electors of a village, equal to at least 10 percent of the vote for governor in the village at the last general election file a petition, so requesting, a primary ...

tws 1-3

and no primary is provided for under s. 8.11 (1m) (b) or (c)

1   8.05 **(4)** (a) ~~A~~ majority of the governing body of any village may provide ~~under~~

2   ~~s. 8.11 (1) (1m) (a) and (b)~~ that candidates for elective village office shall be nominated

3   by ~~a nonpartisan primary, under sub. (5)~~ *nomination papers* ⊙ Determination of the governing body to

4   provide for ~~such primary under s. 8.11 (1) (a)~~ *nomination of* ~~or to nominate~~ candidates by

5   nomination papers ~~without a caucus or primary~~ shall be made not later than

6   December 1 preceding the election. If *nomination by nomination papers is not provided for* ~~a primary is not scheduled~~ under this

7   paragraph⊙ a village shall nominate candidates by caucus ~~unless a majority of the~~

8   ~~governing body of the village provides for the nomination of candidates by~~

9   ~~nomination papers without a caucus or primary or unless a timely petition is filed~~

10   ~~under s. 8.11 (1m) (c) requiring a primary for a specific office.~~

TNS 2-10

11   **SECTION 2.** 8.11 **(1m)** of the statutes is created to read:

12   8.11 **(1m)** VILLAGE. (a) ~~A primary may be held in any village for the nomination~~

     If a village has provided under s. 8.05 (4) (a) for the filing of nomination papers by candidates for village

13   ~~of candidates for village office. When a majority of all the members of the governing~~

     offices for a specific election, the governing body of the village may,

14   ~~body of a village decide upon a spring primary for any specific election, they shall so~~

     no later than 3 days after the deadline for filing nomination

15   ~~provide not later than December 1 preceding the election.~~

     papers, provide for nomination of candidates for village offices at the spring primary ⊙

16   (b) Any village may provide by charter ordinance, under s. 66.0101, that

17   whenever 3 or more candidates file nomination papers for a village office, a primary

18   to nominate candidates for the office shall be held.

19   (c) Whenever the electors of a village, equal to at least 10 percent of the vote

20   for governor in a village at the last general election, file a petition conforming to the

21   requirements of s. 8.40 with the village clerk requesting a primary no later than

22   December 1 preceding the spring election, there shall be a primary for any specific

23   election.

If a primary is provided for the nomination of candidates for elective village offices under s. 8.11 (1m) (b) or (c), candidates for those offices shall file nomination papers. In any other case, a

1   (d) When the number of candidates for any village office does not exceed twice

2   the number to be elected to the office, no primary may be held for the office and the

3   candidates' names shall appear on the ballot for the ensuing election.

4   **SECTION 3. Initial applicability.**

5   (1) This act first applies with respect to nomination of candidates for village

6   offices at the 2009 spring election.

7   **(END)**

INS 1-3:

Change Component

repealed and recreated

SECTION 1. 8.05 (4) (title) of the statutes is ~~amended~~ to read:

8.05 **(4)** (title) ~~VILLAGE NONPARTISAN PRIMARY~~ NOMINATION IN VILLAGES.

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1977 c. 340; 1977 c. 447 ss. 11, 210; 1979 c. 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 56, 192; 1991 a. 316; 1993 a. 184, 266; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 149, 253.

INS 2-10:

SECTION 2. 8.05 (5) of the statutes is amended to read:

8.05 **(5)** WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan primary to nominate candidates, ~~under subs. (3) and (4)~~, shall hold a primary only when the number of candidates for an elective office in the municipality exceeds twice the number to be elected to the office. A primary for the office of municipal judge under s. 755.01 (4) shall be held whenever there are more than 2 candidates for that office. Those offices for which a primary has been held shall have only the names of candidates nominated at the primary appear on the official spring election ballot. When the number of candidates for an office does not exceed twice the number to be elected, their names shall appear on the official ballot for the election without a primary.

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1977 c. 340; 1977 c. 447 ss. 11, 210; 1979 c. 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 56, 192; 1991 a. 316; 1993 a. 184, 266; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 149, 253.

Duerst, Christina

From:	Richard, Rob
Sent:	Friday, February 16, 2007 9:57 AM
To:	LRB.Legal
Subject:	Draft Review: LRB 07-0548/2 Topic: Villages may opt to elect officers without a primary

Please Jacket LRB 07-0548/2 for the ASSEMBLY.